

Samuel C. Straight (7638)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
Email: ssstraight@rqn.com

Seth D. Levy (*admitted pro hac vice*)
Shawn G. Hansen (*admitted pro hac vice*)
Peter J. Wied (*admitted pro hac vice*)
NIXON PEABODY LLP
300 S. Grand Avenue, Suite 4100
Los Angeles, CA 90071-3151
Telephone: (213) 629-6000
Facsimile: (213) 629-6001
Email: slevy@nixonpeabody.com
Email: shansen@nixonpeabody.com
Email: pwied@nixonpeabody.com

Attorneys for Defendant Alaska Airlines, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

MODERN FONT APPLICATIONS LLC, a
Utah limited liability company,

Plaintiff

v.

ALASKA AIRLINES, INC., an Alaska
corporation,

Defendant.

Case No. 2:19-cv-00561-DBB-CMR

**MOTION FOR LEAVE TO FILE
UNDER SEAL PORTIONS OF
EXHIBIT A TO PLAINTIFF'S SHORT
FORM DISCOVERY MOTION #3**

Judge David B. Barlow
Magistrate Judge Cecilia M. Romero

Pursuant to DUCivR 5-3(b)(2), and in accordance with the Court’s Docket Text Order dated August 26, 2020 (ECF No. 76), Defendant Alaska Airlines, Inc. (“Alaska” or “Defendant”), respectfully moves this Court for leave to file under seal portions of Exhibit A to Plaintiff’s Short Form Discovery Motion #3 (ECF No. 68-1). Specifically, Alaska seeks the sealing of pages 7-11 of Exhibit A to Plaintiff’s Short Form Discovery Motion #3 (ECF No. 68-1).

DUCivR 5-2(a) provides that “[o]n motion of a party and a showing of good cause, a judge may order a . . . document filed in a civil case to be sealed.” Courts within this Circuit routinely grant motions to seal documents that “contain[] [a party’s] trade secrets and confidential and proprietary business information.” *See, e.g., SBM Site Serv’s, LLC v. Garrett*, No. 10—cv-00385—WJM—BNB, 2011 WL 1375117, at *3 (D. Colo. Apr. 12, 2011). Here, good cause exists to seal pages 7-11 of Exhibit A to Plaintiff’s Short Form Discovery Motion #3 (ECF No. 68-1) because this portion of the document, Alaska’s Second Supplemental Response to Interrogatory No. 1, contains employee names and nonpublic and sensitive employment information that implicates individual employee privacy interests. Alaska’s request to seal is narrowly tailored, as required by the Local Rules, as it is limited to only those portions of Exhibit A that contain highly sensitive confidential information. *See* DUCivR 5-3(b)(2). Alaska does not request sealing of Plaintiff’s Short Form Discovery Motion #3 itself.

For these reasons, Defendant requests that leave to file under seal be granted as set forth in the proposed order submitted concurrently herewith.

DATED: August 31, 2020

Respectfully submitted,

RAY QUINNEY & NEBEKER P.C.

/s/ Samuel C. Straight

Samuel C. Straight

Attorneys for Defendant

Alaska Airlines, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2020, the foregoing document was electronically filed with the CM/ECF system of the U.S. District Court for the District of Utah. The CM/ECF system sent a Notice of Electronic Filing (NEF) to the attorneys of record, who have consented in writing to accept this NEF as service of this document by electronic means.

/s/ Samuel C. Straight
Samuel C. Straight